

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:14-CR-053-GMN-(CWH)
)
WILLARD P. WITHAM, SR.,)
)
Defendant.)

AMENDED PRELIMINARY ORDER OF FORFEITURE

This Court finds that on June 24, 2014, defendant WILLARD P. WITHAM, SR. pled guilty to Count Thirteen of a Fifteen-Count Indictment charging him with Distribution of Methamphetamine in violation of Title 21, United States Code, Section 841(a)(1). Indictment, ECF No. 11; Change of Plea, ECF No. 41; Plea Agreement, ECF No. 42; Preliminary Order of Forfeiture, ECF No. 43.

This Court finds defendant WILLARD P. WITHAM, SR. agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 11; Change of Plea, ECF No. 41; Plea Agreement, ECF No. 42; Preliminary Order of Forfeiture, ECF No. 43.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant WILLARD P. WITHAM, SR., pled guilty.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) and (2)(C) and Title 28, United States Code, Section 2461(c); Title 21, United States Code
3 Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section 881(a)(11) and Title 28, United
4 States Code, Section 2461(c):

- 5 1. one (1) Taurus .38 caliber revolver bearing manufacturer's serial number LC40499;
- 6 2. one (1) Taurus model PT 740 .40 caliber semi-automatic handgun bearing
7 manufacturer's serial number SDT94901;
- 8 3. one (1) Kel-Tec model PF-9 9 millimeter semi-automatic handgun bearing
9 manufacturer's serial number S3Y89;
- 10 4. one (1) Smith & Wesson model SD40VE .40 caliber semi-automatic handgun
11 bearing manufacturer's serial number HED2760;
- 12 5. and all ammunition;
- 13 6. \$290.00 in United States Currency;
- 14 7. \$2,810.00 in United States Currency; and
- 15 8. An *in personam* criminal forfeiture money judgment of \$14,570 in United States
16 Currency

17 (all of which constitutes "property").

18 This Court finds the United States of America is now entitled to, and should, reduce the
19 aforementioned property to the possession of the United States of America.

20 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
21 United States of America should seize the aforementioned property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
23 WILLARD P. WITHAM, SR. in the aforementioned property is forfeited and is vested in the United
24 States of America and shall be safely held by the United States of America until further order of the
25 Court.

26 . . .

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
2 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
3 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
4 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
5 name and contact information for the government attorney to be served with the petition, pursuant to
6 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
8 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
9 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
10 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
11 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
12 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
13 petition and the relief sought.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
15 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
16 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
17 after the first day of the publication on the official internet government forfeiture site,
18 www.forfeiture.gov.


19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
20 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
21 following address at the time of filing:

22 Michael A. Humphreys
23 Assistant United States Attorney
24 Daniel D. Hollingsworth
25 Assistant United States Attorney
26 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 **DATED** this 10th day of July, 2014.

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9 Gloria M. Navarro, Chief Judge
10 United States District Court
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PROOF OF SERVICE

I, Mary Stolz, Forfeiture Support Associates Paralegal, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on **DATE**, 2014, by the below identified method of service:

Electronic Filing

Monique N. Kirtley
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Counsel for David A. Horn

/s/ Mary M. Stolz
Mary M. Stolz
Forfeiture Support Associates Paralegal